7 *April* 1830.

(Ireland.)

A

B I L L

[AS AMENDED BY THE COMMITTEE]

To amend the Laws respecting the Leasing Powers of Bishops and Ecclesiastical Corporations in *Ireland*.

[N. B.—*The Clause marked* (A.) *was added by the Committee.*]

WHEREAS Archbishops, Bishops, Deans, Deans and Chapters, Archdeacons, Prebendaries, and other Dignitaries Ecclesiastical, and likewise Masters and Governors and Fellows of Colleges and Hospitals in *Ireland* are, according to the Laws now in force, able to grant Leases binding on their Successors for terms of twenty-one years; but such Archbishops, Bishops, and other Persons and Corporations as aforesaid cannot, except in certain cases, grant Leases binding on their Successors for terms exceeding twenty-one years: Preamble.

And whereas the Rents reserved on Leases so granted are greatly less than the true annual value of the lands and hereditaments demised, by reason whereof the Lessees or other persons obtaining such Leases are frequently in the habit of paying Fines or Premiums for renewals of the same; and such Fines or Premiums often constitute a material part of the revenues of such Archbishops, Bishops, or other Persons or Corporations:

And whereas such practice is found to be productive of inconvenience, as well by rendering the amount of such revenues variable and uncertain, as also by checking the application of capital to the improvement of such lands and hereditaments; and it is expedient that the powers of such Archbishops, Bishops, and other Persons or Corporations as aforesaid should be extended as

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hereinafter mentioned; BE it therefore Enacted, by The KING's most Excellent MAJESTY, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT from and after the passing of this Act, it shall be lawful for any such Archbishop, Bishop, and other such Person or Corporation in *Ireland*, having lands and hereditaments demised or demisable as aforesaid, to concur with the tenant or tenants, or any other person or persons entitled to such lands and hereditaments, in putting an end to all subsisting Leases thereof, and to grant unto such tenant or tenants, person or persons, and his and their executors administrators and assigns, a new Lease of such lands and hereditaments for any term of years certain, not exceeding Forty-one years in possession, to commence from the making of such Lease, reserving on every such Lease an annual rent to be incident to the immediate reversion of the lands and hereditaments demised, the amount whereof shall be ascertained in manner hereinafter mentioned; (that is say) Such Archbishop, Bishop, or other Person or Corporation shall, by writing under his hand and seal, name one competent and indifferent person, and the intended tenant of the land and hereditaments to be demised shall, by writing under his hand and seal, name another competent and indifferent person, and the Lord Lieutenant, the Lords Justices or Lord Deputy for the time being, shall, under his or their hand or hands, name another competent and indifferent person, such three persons so to be named as aforesaid to be Valuers, to value the land and hereditaments so to be demised as hereinbefore is mentioned; and such three Valuers shall, immediately after their nomination as aforesaid, being first duly sworn in manner hereinafter mentioned, proceed to ascertain, and shall, by writing under their hands and seals, (or in case they should not agree, then and in such case the majority of them shall, by writing under their hands and seals,) certify and declare in the first place what would be the full annual value of such land and hereditaments to be demised, at a rack rent, and secondly, the amount of rent, fines and fees annually paid out of or in respect of the said lands and hereditaments, upon an average of twenty-one years next immediately preceding such valuation; and the annual amount so certified as last aforesaid shall be the annual Rent to be reserved on the Lease so to be granted as aforesaid, for any term not exceeding Forty-one years.

Bishops, &c. may set aside subsisting Leases, and grant new ones.

Valuers to be appointed to fix the Annual Rent.

And be it further Enacted, That from and immediately after the nomination of Valuers in manner aforesaid, it shall not be lawful for either party to object to the appointment of such Valuers, nor to any valuation or proceedings of the said Valuers, but all such persons shall and they are hereby required to conform to such valuation,

After Valuers appointed under hand and seal of Parties, neither party to retract without consent of the other.

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valuation, and to proceed without delay in the execution of the necessary leases according to the true intent and meaning of this Act.

Valuers to certify what portion of Rent is to be deemed in lieu of Fines, &c.

And be it further Enacted, That such Valuers as aforesaid shall further certify and declare what portion of the rent so to be reserved as last aforesaid would be payable in respect of the rent which had been then previously reserved as aforesaid, and what portion of the rent so to be reserved as aforesaid would be payable in respect of the said average amount of fines and fees theretofore annually paid in respect of the said land and hereditaments; and such last-mentioned portion of the said rent to be reserved as aforesaid shall be deemed taken and decreed in all courts of law and equity to be in lieu of such fines and fees as aforesaid, and to be subject and liable to all restrictions, regulations, conditions and incidents to which such fines and fees are now subject and liable under any Act or Acts now in force, and under any decision of any courts of law or equity, or any contract or agreement, or any bye-law, statute or usage of any such corporation.

Fines due at the time of Valuation to be taken into account.

AND whereas it may happen that the tenant of any such Archbishop, Bishop, or other Person or Corporation, being desirous of concurring with such Archbishop, Bishop, or other Person or Corporation, in putting an end to his subsisting Lease, and obtaining a new Lease under the provisions of this Act, may at the time of making such valuation as aforesaid have suffered one or more years of his Lease to expire, and shall not have paid the customary fines for renewal of the same; BE it therefore Enacted, That such tenant shall, previous to such valuation, pay or cause to be paid such amount of fine as would have been required by such Archbishop, Bishop, or other Person or Corporation, for the renewal of such Lease for the full period of twenty-one years; which amount of fine, but deducting therefrom what shall have been included therein by way of interest for delay of payment, shall be taken into the account of the average amount of the said fines and fees as aforesaid.

In taking Averages, sums paid in liquidation of Fines not to be included.

Provided always, and be it further Enacted, That for the purpose of taking the said average as aforesaid, no sum or sums of money shall be included which shall have been paid during the said period of twenty-one years in liquidation of fines or fees due before such period of twenty-one years, nor any interest which shall have been paid or payable thereon.

Before the expiration of any Lease under this Act, the An-

And be it further Enacted, That at such period as such Archbishop, Bishop, or other Person or Corporation shall appoint, within Five years before the expiration of any Lease to be granted under

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nual Value to be ascertained in the manner hereinbefore directed.

the authority of this Act, and so from time to time as often as the case may require, the then full annual value of the said land and hereditaments shall again he ascertained hy Three indifferent competent persons, to he respectively appointed in the manner hereinhefore directed; and such Archbishop, Bishop, or other Person or Corporation, who shall have granted such Lease as aforesaid, or his or their successor or successors, shall grant a new Lease of the said land and hereditaments to the former lessee, his executors administrators or assigns, for a further term not exceeding Forty-one years, and so from time to time as often as the case may require, reserving hy way of rent such an annual sum as shall hear the same proportion to the then ascertained full annual value of the said land which the former rent shall have horne to the former ascertained annual value of the same.

Not to prohibit Clauſes for a due cultivation of Land, &c.

Provided always, and he it further Enacted, That nothing herein contained shall extend or he construed to extend to prohibit the insertion in the Lease or Leases to be granted under this Act, of any clause or clauses, proviso or provisoes, condition or conditions, for a due cultivation and maintenance of the land and hereditaments so to he demised and let; and such Archhishop, Bishop, or other Person or Corporation, and such tenant, or other person or persons taking such lease as aforesaid, shall he at liherty to require and to enter into all such covenants, agreements and conditions respecting the said lands and hereditaments so to he demised, and the due cultivation and maintenance of the same, or the payment of the rent reserved in respect of the same, or granting assignments or under-leases of the same, or the giving up or surrendering the same in proper condition and repair, as to the said Archhishop or Bishop, or other Person or Corporation, tenant or tenants, or other person or persons as aforesaid respectively, shall appear just and reasonahle, in like manner as if this Act had not heen made.

If Tenant forfeits his Lease, it may be granted to any other perſon

And he it further Enacted, That if any such tenant shall hy any means have committed a forfeiture of his Lease, it shall and may he lawful for such Archhishop, Bishop, or other Person or Corporation, to grant a new Lease of such lands and hereditaments to any other tenant, upon the terms and for the period prescrihed by this Act.

Appointment of Valuers to be enrolled in the Registrar Office for inſpection.

And he it further Enacted, That every appointment of such valuers, and every certificate to he made by the said valuers, shall he enrolled and preserved in the office of registrar of the Bishop in whose diocese the lands are situate, and of the clerk of the peace for the county in which they are situate, and shall at all times he open to the inspection of any person on payment or tender of One shilliog; and the said clerk of the peace or registrar shall, at the request of any person,

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person, furnish a copy of aoy such appointment or certificate, and certify the same to be a true copy thereof, on receiving for every such copy tbe sum of One shilling, and oo more; aod every such copy, so certified as aforesaid, may he giveo in evidence in any court of law or equity, and the same shall he received as evidence of such appointmeot or certificate.

Registrar to administer Oath to Valuers.

Provided always, and it is hereby further Enacted, That the said registrar or clerk of the peace shall have full power and authority to administer the Oath set forth in the Schedule bereunto anoexed, to the said valuers, previously to their entering upoo such valuations as aforesaid: Aod it is hereby enacted, That for administering such oath as aforesaid, the said registrar or clerk of tbe peace sball receive the sum of One shilling, and no more.

Fee for the same.

Act not to prevent perfons granting Leafes, the fame as before the paffing of this Act.

And be it further Enacted, That notbiog hereio contained shall preveot such Archbishop or Bishop, or other Person or Corporation, from granting such Lease or Leases as they were, previously to the passiog of this Act, hy law authorized to grant, or from taking such fine or fioes, fees or fee as have heen hitherto paid or payahle in respect of the laods and hereditaments so demisable as aforesaid: But it is herehy further Enacted, That it shall not he lawful for any such Archbishop, Bishop, or otber Person or Corporation, to receive or cootract for any fine, premium, foregift or other advaotage, except the aonual rent to he reserved as aforesaid, as or by way of consideration for the granting of aoy such Lease as is herehy authorized to be made; and every such Lease in respect of which any sucb fine, premium or advaotage shall have been received given or contracted for, shall be absolutely null and void against the successor of any such Archbishop, Bishop, or other such Person or Corporation granting the same.

Not to receive or contract for any Fine, Premium, &c.

Act not to affect exifting Rights of Under Leffees.

AND wbereas it has heen customary for the Lessees of such Archbishops, Bishops, and other such Persons and Corporations in *Ireland*, to grant under-leases of the lands and bereditameots demised to them, to other persons: And whereas it is expedient that the existing rights and ohligations of sucb under lessees should not be affected by this Act; BE it therefore Enacted, Tbat nothing io this Act contained shall be construed in any way to defeat or alter any right or interest to which such under lessee shall or may he entitled, nor to cancel or annul aoy ohligation or coveoaot to which such uoder lessee is or may be liable under and hy virtue of his contract or agreement or the laws now in force.

Payment of rent (referved under this Act) by Leffees, to be equivalent to a renewal by Fine.

AND whereas such Under-leases as aforesaid frequeotly depend upon the renewal by fine of the original Lease granted by the Archbishop, Bishop, or other such Person or Corporation as aforesaid;

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BE it therefore Declared and Enacted, That for all purposes, and to all intents affecting such under-leases, the payment by the lessee of such Archbishop, Bishop, or other Person or Corporation as aforesaid, of that part of the rent reserved under the provisions of this Act, which the valuers hereinbefore directed to be appointed shall have certified and declared to be in lieu of such fines and fees, shall he deemed and taken in all courts of law and equity to be equivalent to a renewal by fine of such original Lease.

Under Leffees to have the ſame privileges, &c. upon payment of the proportion of rent to be fixed as aforeſaid.

And be it further Declared and Enacted, That all and every the rights, privileges, immunities, benefits and interests which such Under lessee may previously to the passing of this Act be entitled to hold and enjoy in virtue of his payment of a proportion of any fines or fees bitherto paid by the lessee of any such Archbishop, Bishop, or other Person or Corporation, such under lessee shall in like manner hold and enjoy all such rights, privileges, immunities, benefits and interests, upon payment of the same proportion of that part of the rent to be reserved in the Lease to be granted under this Act, which the valuers hereinbefore directed to be appointed shall have certified and declared to he in lieu of such fines or fees.

Under Leſſee to be liable to the ſame obligations, reſtrictions, &c. as before.

And be it further Declared and Enacted, That all and every the obligations, restrictions, covenants and conditions to which such Under Lessee is or may become subject in virtue of any fines or fees paid by the lessee of any such Archbishop, Bishop, or other Person or Corporation as aforesaid, shall be deemed and taken in all courts of law or equity to be equally binding upon such under lessee in virtue of the payment by the lessee of such Archbishop, Bishop, or other Person or Corporation as aforesaid, of that part of the rent to he reserved in the Lease to be granted under this Act, which the valuers hereinhefore directed to be appointed shall have certified and declared to be in lieu of such fines and fees.

Not to empower perſons to grant Leaſes of Lands other than thoſe they now can for Twenty-one years.

Provided always, and be it further Enacted, That nothing in this Act contained shall extend to permit any such Archbishop, Bishop, or other Person or Corporation, to grant a Lease of any lands or hereditaments other than those which by the laws now in force they may be empowered and entitled to grant for the term of Twenty-one years.

CLAUSE (A.) Act not to extend to the College of the Holy Trinity near Dublin.

Provided also, and be it further Enacted, That nothing in this Act contained shall extend or be construed to extend to the College of the Holy and Undivided Trinity near *Dublin*, or the lands or revenues thereof.

Schedule

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Schedule.

I DO swear, That I will faithfully and honestly execute the trust reposed in me, as one of the Valuers of the lands and hereditaments of under and by virtue of the Act of Parliament passed in the year of the reign of His present Majesty King GEORGE the Fourth, intituled, " An " Act

So help me GOD.

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